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lines 1-2; Figure 12 is described on page 56, lines 3-7; and Figure 13 is described on page 56, lines 8-10.

No new matter has been added in the claim amendments.

Restriction Requirement

In reply to the Restriction Requirement, mailed from the U.S. Patent and Trademark Office on September 27, 2001, Applicants elect, with traverse, Group II, Claims 1-3 and 5-23, drawn to an inhibitor of Memapsin 2, comprising an isostere of the active site of Memapsin 2 wherein the inhibitor is OM99-2 and a method of synthesis and treatment thereof, classified in class 514, subclass 12.

In addition to Applicants' election of Group II, Applicants elect, with traverse, OM99-2 as a single disclosed specie of molecule. A structure of OM99-2 is shown at Figure 3B in the specification. According to the Examiner's Telephonic Interview Summary of March 4, 2002, Claims reading on the specie are Claims 5, 11-15 and 21-23.

The Examiner stated in his Telephonic Interview Summary that agreement was reached regarding re-restriction of the claims. However, Applicants did not agree that the claims should be re-restricted. Rather, we stated in the telephonic conference that the claims were improperly restricted and we discussed, as indicated, that different groups of claims read on different compounds, although all of the compounds, in our opinion, are part of a single invention.

Applicants respectfully traverse the Restriction Requirement. In particular, Claims 1-3, 6-10 and 16-20 of Group I are encompassed within the scope of Group II, as indicated by the Examiner by his inclusion of those claims within Group II. Further, Claims 6 and 8, which refer to Figures 11 and 13, respectively, do not read on either OM99-1 or OM99-2, which are represented in Figures 3A and 3B, respectively. Alternatively, if the Examiner intends that the inventions of Groups I and II are directed to inhibitors OM99-1 and OM99-2, respectively, and their methods of synthesis, then the Examiner has included within these groups claims that are either broader than the scope of the inventions as described, or exclusive of the inventions as described in the Restriction Requirement. Therefore, the Examiner has not demonstrated, as is required by the Manual of Patent Examining Procedure at § 806.04, that the subject matter of Groups I and II, as described, are independent inventions. The Restriction Requirement is

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inappropriate, and Applicants respectfully request rejoinder of Groups I and II; Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement.

SUMMARY

Applicants maintain that the Restriction Requirement is inappropriate and request that the Examiner-rejoin Groups I and II. If the Examiner believes that a telephone conference would expedite prosecution of this case, he is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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MARKED UP VERSION OF AMENDMENTS

Claim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

6. (Amended) The inhibitor of claim 3 having the structure of Figure 10 [11].
7. (Amended) The inhibitor of claim 3 having the structure of Figure 11 [12].
8. (Amended) The inhibitor of claim 3 having the structure of Figure 12 [13].
9. (Amended) The inhibitor of claim 3 having the structure of Figure 13 [14].